

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

PARKERSBURG DIVISION

JERI WAGNER, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 6:06-cv-00943

ELISHA WHIPKEY, et al.,

Defendants.

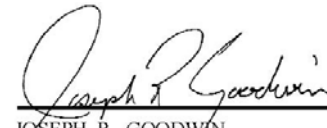
ORDER

Pending before the court are the plaintiffs,' Jeri Wagner, Daniel Lee Brown, Cornelius Tucker, and J. Orwin, "Request/Petition Representer Authorization for Class Action Lawsuit on the Merits in the Interest of Justice and F.O.I.A./PA Vaughn Motion Index Justification Order" (Docket 4) and Applications/Motions to Proceed *In Forma Pauperis* on behalf of Jeri Wagner, Daniel Brown and Cornelius Tucker (Dockets 1, 2 and 3). This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and has recommended that the court **DENY** the Request for Authorization for Class Action Lawsuit, **DISMISS** this civil action pursuant to 28 U.S.C. § 1915A as being frivolous and for failure to state a claim, **DENY AS MOOT** the plaintiffs' motion for Vaughn Index and F.O.I.A./P.A. Request that is incorporated in Document 4, and **DENY** plaintiffs' Application to Proceed *In Forma Pauperis*. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

The failure to object to a magistrate judge's report may be deemed a waiver on appeal of the substance of the report and the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983); *Campbell v. United States D. Ct. N.D. Cal.*, 501 F.2d 196, 206 (9th Cir. 1974). The court has reviewed the Magistrate Judge's findings of fact and recommendations and finds no clear error on the face of the record. Therefore, the court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and orders judgment consistent with the findings and recommendations. The court **DENIES** the Request for Authorization for Class Action Lawsuit, **DISMISSES** this civil action pursuant to 28 U.S.C. § 1915A as being frivolous and for failure to state a claim, **DENIES AS MOOT** the plaintiffs' motion for Vaughn Index and F.O.I.A./P.A. Request that is incorporated in Document 4, and **DENIES** plaintiffs' Application to Proceed *In Forma Pauperis*.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 6, 2007



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE